

REMARKS

Claims 3, 8, 10, 12-13, 18-19 and 20-31 are now pending in the above-referenced patent application. In this amendment, claims 3, 8, 12, and 19 have been amended, and new claims 24-31 have been added.

It is noted that claims 3, 8, 12, and 19 were not amended to overcome the rejections, or in light of the cited references. Rather, claims 3, 8, 12, and 19 were amended to more clearly delineate intended subject matter. Additionally, the foregoing amendments do not affect the scope of claimed subject matter, and, in some instances may broaden the scope of the claimed subject matter. It is submitted that no new matter is introduced by these amendments, and, because scope is not affected, there is no prosecution history estoppel. Additionally, it is respectfully submitted that adequate support may be found in the specification for new claims 24-31. For example, adequate support may be found in page 4 line 6 to page 5 line 14 and Figure 1.

In the Office Action, dated August 25th, 2005, claims 8, 10, 12 and 18-23 are allowed. Applicant would like to thank the Examiner for finding allowable subject matter. Additionally, in the Office action, claim 3 is rejected under 35 U.S.C 103(a) as being unpatentable over Kane (U.S. Patent No. 1,956,686) in view of Hansen (U.S. Patent No. 2,699,791), and claim 13 is rejected under 35 U.S.C 103(a) as being unpatentable over Olbrich (U.S. Patent No. 5,295,328) in view of Kane and further in view of Hansen. These rejections are respectfully traversed.

Applicant begins with claim 3, as amended. It is respectfully submitted that claim 3, as amended, is not rendered obvious by the cited art, Kane in view of Hansen. Even if these references could be combined, although Applicant has serious doubts concerning the ability to do so, any resultant combination would still not render claim 3 obvious. As just an example, none of Kane or Hansen show or describe at least an abrasive sheet "wherein said abrasive sheet includes a pressure sensitive adhesive bottom surface, and further including a disc which is color coded to indicate a grit of said abrasive sheet". The Examiner concedes that Kane is lacking at least one element of the rejected claims. According to the Examiner, "Kane does not disclose a disc which is color coded to indicate a grit of the abrasive sheet". Although Applicant does not necessarily agree with the Examiner's

characterization of the rejected claims, it is respectfully submitted that Hansen fails to cure the deficiency noted by the Examiner. Hansen shows and describes a manicuring device that may include a "maker coat" that may be colored. As stated the portion cited by the Examiner, from col. 2 line 59 to col. 2 line 62, "The use of a different color in the presize from that used in the maker coat can give unusual, pleasant color effects to the final product." There is no mention of coloring a manicuring device to indicate grit, or to have different colors for different grits. Coloring appears to be utilized for appearance of the manicuring device, and there is no correlation between color and grit either shown or described in Hansen.

Additionally, neither Hansen nor Kane show or describe an abrasive sheet having a pressure sensitive adhesive bottom surface. As stated from line 96 to line 103 of Kane, "Eccentrically secured upon each shaft, immediately above the respective gear wheel, is a disk 20, the upper surface of which is covered with leather or some other abrading material, indicated at 21, and the margin of this abrading cover is drawn down closely about the periphery of the respective disk and held thereon by a resilient retaining ring 22". (emphasis supplied). It is respectfully submitted that there is no mention of a pressure sensitive adhesive bottom surface anywhere in Kane, and Hansen does not cure this deficiency.

Similarly, it is respectfully submitted that claim 13 is not rendered obvious by the cited art, Olbrich in view of Kane and further in view of Hansen. Even if these references could be combined, although, again, Applicant has serious doubts concerning the ability to do so, any resultant combination would still not render claim 13 obvious. As just an example, none of Olbrich, Kane or Hansen show or describe at least an abrasive sheet "wherein said abrasive sheet includes a pressure sensitive adhesive bottom surface, and further including a disc which is color coded to indicate a grit of said abrasive sheet". As stated previously, Kane and Hansen fail to show or describe at least these limitations. Additionally, Olbrich does not cure the deficiencies of Kane or Hansen. Olbrich describes a surgical instrument grinding device including a "grinding body". The grinding body of Olbrich does not utilize abrasive discs, and does not show or describe an abrasive sheet having either of a pressure sensitive adhesive bottom surface or a disc which is color coded to indicate a grit.

Applicant respectfully submits that, for at least the reasons presented above, a prima facie case of obviousness has not been established, and, therefore, claims 3 and 13 are in a condition for allowance. It is noted that many other bases for traversing the rejection could be provided, but Applicant believes that this ground is sufficient. It is respectfully requested that the Examiner withdraw his rejections of these claims.

CONCLUSION

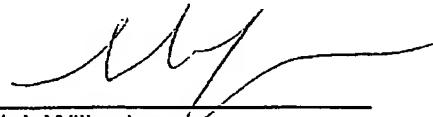
In view of the foregoing, it is respectfully submitted that all of the claims pending in this patent application, as amended, are in condition for allowance. If the Examiner has any questions, he is invited to contact the undersigned at (503) 439-6500. Reconsideration of this patent application and early allowance of all the claims is respectfully requested.

Please charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account number 50-3130.

Dated: _____

(2/21/05)

Respectfully submitted,



Michael J. Willardson
Patent Attorney
Reg. No. 50,856

Berkeley Law and Technology Group, LLC
1700 NW 167th Place, Suite 240
Beaverton, OR 97006